

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

UNITED STATES OF AMERICA * Docket No. 6:16-CR-00035
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VERSUS * February 23, 2016
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BYRON BENJAMIN LASALLE * Lafayette, Louisiana

REPORTER'S OFFICIAL TRANSCRIPT OF THE PLEA HEARING
BEFORE THE HONORABLE PATRICIA MINALDI,
UNITED STATES DISTRICT JUDGE

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COURT PROCEEDINGS

(Call to order of the court.)

MR. VAN HOOK: Your Honor, the next case is United States versus Byron Benjamin Lassalle which has been assigned Criminal No. 6:16-0035. At this time the United States would offer an executed Rule 11 package which contains a Waiver of Indictment, Agreement and Waiver of Statute of Limitations, Bill of Information, Elements of the Offense, Affidavit of Understanding of Maximum Penalty and Constitutional Rights, a Plea Agreement, and a Factual Stipulation in Support of the Plea.

THE COURT: Thank you. It's accepted. Are you Mr. Robideaux or Mr. Guilbeaux?

MR. ROBIDEAUX: Jason Robideaux, Your Honor.

THE COURT: Mr. Robideaux, have you gone over the plea packet with your client?

MR. ROBIDEAUX: Yes, Your Honor.

THE COURT: Do you feel like he understands it?

MR. ROBIDEAUX: Yes, he does.

THE COURT: Have you talked with him about the impact the sentencing guidelines may have on his sentence?

MR. ROBIDEAUX: I have.

THE COURT: You think he understands that?

1 MR. ROBIDEAUX: Yes, Your Honor.

2 THE COURT: Mr. Robideaux, please -- not you.

3 Mr. Lassalle, please raise your right hand.

4 (Oath is administered.)

5 THE COURT: Give me your full name for the record,
6 please.

7 THE DEFENDANT: Byron Benjamin Lassalle.

8 THE COURT: Mr. Lassalle, Mr. Robideaux has told me
9 that he's gone over the plea packet with you. Is that
10 correct?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you feel like you understand it?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: He's also told me that he's discussed
15 with you the impact the sentencing guidelines may have
16 on your sentence. Is that correct?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Do you feel like you understand that?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: There's some documents in this packet I
21 need to discuss with you, and we'll talk first about the
22 Bill of Information. You have a right in this case to
23 have the facts of this case presented to a grand jury, a
24 group of people who decide whether or not the Government
25 had enough evidence to hold you over for trial. But

1 it's my understanding that you have waived your right to
2 that grand jury and agreed to be charged by a Bill of
3 Information, which is a document that an assistant U.S.
4 attorney or the U.S. Attorney files. Is that what you
5 intend to do?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Let's turn -- you're charged with two
8 offenses this morning, one being civil rights conspiracy
9 and the other deprivation of rights under color of law.
10 I'm sorry. And three, the third count, of deprivation
11 of rights under the law. I'm going to turn to the
12 Elements of the Offense and discuss with you what the
13 Government would have to prove in this case in order for
14 you to be convicted.

15 As to Count 1, civil rights conspiracy, the
16 Government would have to prove beyond a reasonable doubt
17 the following things, that you entered into an agreement
18 with at least one other person; two, that the purpose of
19 the agreement was to injure, oppress or threaten inmates
20 in the free exercise and enjoyment of federally
21 protected rights, in this case that was right to due
22 process of law which includes the right to be free from
23 excessive use of force amounting to punishment by a law
24 enforcement officer; and three, that you knew the
25 unlawful purpose of the conspiracy and joined in it

1 willfully, that is with the intent to further its
2 unlawful purpose.

3 Now, Counts 2 and 3 are the same -- have the same
4 elements. So the Government would have to prove as to
5 each of those counts the following things beyond a
6 reasonable doubt, number one, that you acted under color
7 of law; that you deprived an intimate by the initials
8 C.O. and A.D., persons in the United States, of a right
9 protected or secured by the Constitution or laws of the
10 United States, and in this case the right to due process
11 of law which includes the right to be free from the use
12 of excessive force amounting to punishment by a
13 sheriff's deputy; three, that you acted willfully; and
14 four, that the offenses resulted in bodily injury to the
15 victim or -- to the victims or involved the use of a
16 dangerous weapon.

17 Do you understand what the Government would have to
18 prove?

19 THE DEFENDANT: Yes, Your Honor.

20 MR. ROBIDEAUX: Your Honor, if I may interject.
21 Counsel's fault. One of the initials, C.O., is correct.
22 A.D., it probably needs to be initials S.S. That was
23 just an oversight.

24 MR. VAN HOOK: He's correct, Your Honor. Pointing
25 out my mistake. So we're on the right track.

1 THE COURT: Okay. Then we'll amend the documents
2 that contain the initials A.D. to S.S.

3 Let's turn to the Affidavit of Understanding of
4 Maximum Penalty and Constitutional Rights. This
5 document tells you the penalty that you face when
6 convicted of these offenses and goes on to describe for
7 you the constitutional rights that you give up when you
8 enter a guilty plea. Let's talk first about the penalty
9 that you face.

10 As to Count 1, you face a term of imprisonment of
11 not more than ten years, a fine of not more than
12 \$250,000, a term of supervised release, and a special
13 assessment of \$100 which is mandatory. Do you
14 understand the penalty that you face?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: That penalty contains a term of
17 supervised release which means, if you are incarcerated
18 on this offense, when you are released your release will
19 be supervised by a probation officer to whom you will
20 have to report on a regular basis. There will be
21 conditions placed on that release, things that you must
22 do and things that you cannot do. It's important that
23 you abide by the terms of your supervised release
24 because, if you do not, you could be brought back to
25 court, your release could be revoked, and if that

1 happens the possibility exists that you could actually
2 end up serving more than the maximum penalty for this
3 offense. Do you understand that?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: You have the right to go to trial in
6 this matter. If you decided to exercise that -- I'm
7 sorry. Here's the penalty on Count 2: A term of
8 imprisonment of not more than ten years, a fine of
9 \$250,000 or both, a term of supervised release, and also
10 another \$100 assessment which is mandatory. And the
11 penalty for Count 3 is the same, but there is also
12 another \$100 assessment which is mandatory. Do you
13 understand the penalties that you face?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: I want to let you know that you have
16 the right to go to trial in this matter. If you decided
17 you wanted to do that, we'd select a jury of 12 people
18 to hear your case and all 12 of those jurors would have
19 to agree that the Government had proved its case beyond
20 a reasonable doubt before you could be convicted of any
21 offense. But when you plead guilty you give up your
22 right to trial, to that 12 person jury and that
23 unanimous verdict. Do you understand that?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: If you went to trial, you'd have the

1 right to see the witnesses called against you and ask
2 them questions; but when you plead guilty you give up
3 the right to see those witnesses and ask them questions.
4 Do you understand that?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: You have a privilege against
7 self-incrimination which means no one can force you to
8 testify against yourself, but when you plead guilty you
9 are testifying against yourself so you're giving up that
10 privilege. Do you understand that?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: If you went to trial, you'd have the
13 right to take the witness stand in your own defense.
14 You wouldn't have to do that, but you'd have that right.
15 You give up that right as well when you enter a guilty
16 plea. Do you understand that?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: If you went to trial and you were
19 convicted, you would have the right to appeal the
20 verdict of guilt; but when you plead guilty you're
21 admitting your guilt so you give up your right to appeal
22 the verdict of guilt. Do you understand that?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: You have the right to be represented by
25 counsel of your choice or court-appointed counsel if you

1 cannot afford your own. Mr. Robideaux, are you
2 appointed or retained?

3 MR. ROBIDEAUX: Retained, Your Honor.

4 THE COURT: You've retained Mr. Robideaux. And I
5 want to let you know that if anything happened that
6 caused you to be indigent and no longer able to pay for
7 his services, I would appoint somebody to represent you.
8 But he's here with you now. If you decided you wanted
9 to go to trial, he would represent you during trial.
10 And I don't know what your agreement is with him; but if
11 you were convicted, someone would represent you on
12 appeal whether retained or appointed if you were
13 indigent. But when you plead guilty you give up your
14 right to trial and to appeal the verdict of guilt so you
15 also give up your right to be represented during those
16 proceedings. Do you understand that?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Anyone force, threaten or coerce you to
19 enter this guilty plea?

20 THE DEFENDANT: I'm sorry?

21 THE COURT: Has anyone forced, threatened or
22 coerced you to enter this guilty plea?

23 THE DEFENDANT: No, Your Honor.

24 THE COURT: There's a Plea Agreement contained in
25 this packet and it outlines in detail and in writing the

1 obligations that you have to the Government because of
2 this plea and the obligations that the Government has to
3 you because of this plea. Is there anything about those
4 obligations you don't understand or have any questions
5 about?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: Let's turn to the Factual Basis.
8 There's also a Waiver of Statute of Limitations
9 contained in the plea packet. Do you understand that?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Do you understand what that is or have
12 any questions about it?

13 THE DEFENDANT: I understand.

14 MR. VAN HOOK: Your Honor, I would note the Factual
15 Basis refers to S.S. and A.D. and that is correct. A.D.
16 is part of the conspiracy but not part of the
17 substantive charges we referred to earlier.

18 THE COURT: Okay. Bear with me. These are in a
19 different order than I'm used to. Let's turn to the
20 Stipulation in Support of a Guilty Plea. This document
21 tells me what you and the Government agree happened in
22 this case that would justify me in accepting your guilty
23 plea. I'm not going to go over it word for word, but I
24 am going to talk with you about what I think are the
25 more important points to make sure that you agree that

1 this happened.

2 It tells me that you admit that you conspired with
3 other officers to assault and injure inmates in
4 violation of their federally protected right not to be
5 deprived of liberty without due process of law which
6 includes the right to be free from the use of excessive
7 force amounting to punishment by a law enforcement
8 officer, and you admit that this conspiracy was in
9 violation of federal law. You also admit that while
10 acting under color of law, while aided and abetted by
11 others, you willfully deprived -- tell me who it is
12 again, C.O. and S.S.?

13 MR. VAN HOOK: Yes, Your Honor. Those were -- the
14 initials in the Factual Basis are correct.

15 THE COURT: Okay. Who were pretrial detainees of
16 their federally protected right not to be deprived of
17 liberty without due process of law which includes the
18 right to be free from the use of excessive force
19 amounting to punishment by a law enforcement officer in
20 violation of federal law.

21 It also tells me that you were employed by the
22 Iberia Parish Sheriff's Office and served in the
23 narcotics unit. On April 29th of 2011 you were called
24 to the Iberia Parish Jail to assist with a shakedown.
25 During the course of the shakedown, you learned that the

1 chapel was a place at the jail where there was no video
2 surveillance. You went to the chapel with other
3 officers, including Iberia Parish Jail supervisor and
4 other deputies from the narcotics unit. While in the
5 chapel, you watched as the deputies assaulted inmate
6 A.D., who was a pretrial detainee, who was restrained,
7 compliant and lying on the chapel floor and presenting
8 no threat to the officers. You recognized that you had
9 a duty to intervene and stop the unjustified use of
10 force on that inmate; nevertheless, you willfully chose
11 not to intervene to stop that beating despite having the
12 opportunity to do so.

13 You then watched as inmate A.D. was dragged out of
14 the chapel to the lock down unit of the jail. On route
15 to the lock down unit, you heard A.D. tell an IPSO
16 supervisor that he had been beaten. And that supervisor
17 responded, "Oh, come on, baby. Shut the fuck up. Take
18 him away." His words, not mine.

19 At some point during the shakedown, you were in the
20 rec. yard of inmate housing dorms where inmates were on
21 their knees overseen by officers, including IPSO
22 supervisors and an IPJ supervisor and other officers.
23 One of the kneeling inmates made a lewd comment to the
24 officers and, in response, the supervisor told you to
25 "take care of him, baby," and pointed to inmate C.O.

1 You knew based on a prior conversation and your
2 experience in the narcotics unit that the supervisor
3 wanted you to take C.O. somewhere and use unlawful force
4 on him to punish him for his comments. You, knowing the
5 IPSO supervisor's intent and intending to further that
6 unlawful objective, took C.O. to the chapel, a place at
7 the jail that you knew had been used to assault inmates
8 before.

9 In the chapel, you repeatedly struck C.O. with a
10 baton while he was compliant and kneeling on the chapel
11 floor and not presenting a threat. None of the other
12 officers present in the chapel, including the IPJ
13 supervisor, attempted to stop you from beating C.O. You
14 knew based on prior conversations and experience in the
15 narcotics unit that none of the other officers were
16 going to stop your assault during -- on the inmate.
17 During the beating, the inmate repeatedly denied having
18 made the comments in the rec. yard and blamed another
19 inmate for having done so.

20 You took inmate C.O. back to his dorm and asked him
21 to point out the inmate who had made the comments. C.O.
22 pointed to inmate S.S., another pretrial detainee. In
23 order to carry out the IPSO supervisor's command, you
24 then took S.S. to the chapel in order to unlawfully
25 assault him.

1 While in the chapel you placed S.S. on his knees
2 and questioned him regarding his pending charges. S.S.
3 told you he'd committed a sex crime. And when the
4 defendant heard this he took the baton, placed it
5 between his own legs and forced S.S. to mimic performing
6 fellatio on the baton in order to physically harm S.S.

7 MR. VAN HOOK: Your Honor, if I may stop you there.
8 And I apologize. The Factual Basis had been -- for this
9 defendant had been altered slightly and that's where the
10 change began. So if I may, Your Honor, give you another
11 page. You have the original, Your Honor. You can start
12 on the last paragraph on the bottom of page three, start
13 there and move forward.

14 THE COURT: Okay. So we obviate everything that I
15 said that was on the bottom of Page 3 and continue onto
16 four?

17 MR. VAN HOOK: Yes, Your Honor. You can start at
18 the bottom of Page 3 on the updated version and just
19 re-review with the defendant the last paragraph at the
20 bottom of Page 3.

21 THE COURT: Okay. Do I start with the paragraph
22 that says "On or about September 27th, 2011"?

23 MR. VAN HOOK: Start with the paragraph that begins
24 "The defendant then took inmate C.O. back to his dorm."
25 If you'd start from there again. May I approach, Your

1 Honor?

2 THE COURT: Sure. Why don't we take a five minute
3 recess.

4 (Recess is taken.)

5 THE COURT: Okay. What page are we on now?

6 Okay. This tells me that you then took inmate C.O.
7 back to his dorm and asked him to point out the inmate
8 who'd made the comments. C.O. pointed to inmate S.S.,
9 another pretrial detainee. In order to further carry
10 out the supervisor's command, you took S.S. to the
11 chapel in order to unlawfully assault him.

12 While in the chapel, the defendant learned S.S. had
13 committed a sex crime. Another officer told you to
14 "make him suck it." And when you heard this you took
15 the baton, placed it between your own legs and forced
16 S.S. to mimic performing fellatio on the baton in order
17 to physically harm him. During the assault you told
18 S.S. disgusting things using enough force to make S.S.
19 gag. You also struck him with your baton while he was
20 compliant and presenting no threat. The other officers
21 present in the chapel, including an IPJ supervisor, did
22 nothing to stop your assault on the inmate.

23 Sometime after the shakedown on April 2011, you and
24 the others involved in assaulting inmates C.O., S.S. and
25 A.D. were sued for your unjustified use of force. You

1 and other members of IPSO conspired to provide false
2 testimony regarding the beatings during the depositions
3 in order to conceal the prior assaults and in order to
4 prevent any further investigation into the unlawful
5 actions.

6 Is that what happened?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Are you satisfied with the
9 representation --

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: -- Mr. Robideaux has provided to you?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: To the charges of civil rights
14 conspiracy, Count 1, Count 2, deprivation of rights
15 under color of law, and Count 3, another count of
16 deprivation of rights under color of law, how do you
17 plead?

18 THE DEFENDANT: Guilty.

19 THE COURT: I'll accept your guilty plea and set
20 sentencing for 5/24/16 at 10:45.

21 MR. ROBIDEAUX: Your Honor, there's no bond
22 currently. We'd ask for release as the other
23 defendants.

24 MR. VAN HOOK: Your Honor, no objection with the
25 same condition of not possessing a firearm.

1 THE COURT: So ordered.

2 MR. ROBIDEAUX: Your Honor, he's currently employed
3 on administrative leave as a lieutenant. He still has
4 three Iberia Parish Sheriff's firearms in his
5 possession. I've spoken to the supervised release
6 people. He's going to have someone from IPSO collect
7 those three firearms so he doesn't possess them, give
8 them back.

9 THE COURT: Okay. Let that be a condition of his
10 release.

11 MR. ROBIDEAUX: Thank you.

12 THE COURT: Thank you.

13 (Proceedings adjourned.)

14

15 * * * * *

16

17 **CERTIFICATE**

18

19 I hereby certify this 2nd day of March, 2016, that the
20 foregoing is, to the best of my ability and understanding, a
21 true and correct transcript of the proceedings in the
22 above-entitled matter.

23

24 S/Deidre D. Juranka, RPR
25 Official Court Reporter

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Western District of Louisiana